

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DALVIN POINDEXTER

Defendant.

Case No. 25-00036-03-CR-W-DGK

**MOTION OF THE UNITED STATES FOR A
PRETRIAL DETENTION HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)**

Comes now the United States of America, by Jeffrey P. Ray, Acting United States Attorney, and the undersigned Assistant United States Attorney, and hereby moves the Court to detain defendant without bail pending trial of this matter and to hold a hearing pursuant to Title 18, United States Code, Section 3142(f) for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

SUPPORTING SUGGESTIONS

The United States moves for detention considering the nature and seriousness of the danger to the community that would be posed by the defendant's release and due to the serious risk that the defendant will flee. Taken together, the defendant's history of criminal conduct; his history of failing to appear in other criminal matters; the serious nature of the charges in this case involving the possession of firearms while perpetrating burglaries of local businesses; the length of the defendant's potential sentence; and the strength of the government's evidence all support the United States' motion pursuant to 18 U.S.C § 3142(f)(1)(E) and (f)(2)(A).

In determining whether there are conditions of release that will reasonably assure the appearance of the defendant as required and reasonably assure the safety of the community, the Court, pursuant to 18 U.S.C. § 3142(g), must consider several factors. These factors include the nature and circumstances of the offenses charged, the weight of the evidence against the defendant, the defendant's history and characteristics, and the danger to any person or the community the defendant would pose if released. After consideration of these factors, the United States requests the pretrial detention of the defendant.

I. Nature and Circumstance of the Offenses Charged

As provided in the indictment, which was returned on February 6, 2025, the defendant has been charged with five felony counts. Specifically, the defendant has been charged with one count of conspiracy to transport and possess stolen property, pursuant to 18 U.S.C. §§ 371, 2314 and 2315, and five counts of interstate transportation of stolen property, pursuant to 18 U.S.C. § 2314. These charges stem from the defendant's involvement in a conspiracy to burglarize beauty and liquor stores in the region and sell the stolen product for profit.

Over the course of the conspiracy, the defendant participated in the burglaries of at least ten stores in Illinois, Indiana, Kansas, and Nebraska between March 2023 and January 2024, as well as an additional eight stores in Missouri during that period. The defendant and his coconspirators broke into the stores during the overnight hours by smashing a front door or window using a hard object, like a landscaping rock. They would then steal high-end perfume and beauty products using laundry and trash bags before fleeing within minutes of entry. The total estimated loss from the in-state and out-of-state burglaries committed by the defendant and his coconspirators exceeds \$500,000.

The defendant and co-defendant Gary Bailey are known to have carried firearms during various burglaries, including the April 2023 burglary of a fragrance store in Kansas City, Kansas. The defendant was spotted by local police after leaving the store and detained following a brief chase. A handgun was recovered from the vehicle and DNA recovered from the weapon returned a partial major profile for the defendant.

The nature and circumstances of the charged offenses support the pretrial detention of the defendant.

II. Weight of the Evidence Against the Defendant

The United States has a strong case against the defendant. Among other evidence, the Government has collected many hours of surveillance footage where Poindexter can be seen burglarizing out-of-state stores. This includes video from the April 2023 burglary of a store in Kansas City, Kansas, which, as noted above, resulted in the defendant's arrest by local police. In addition to the gun found in the defendant's getaway vehicle containing the defendant's DNA, officers located numerous items of stolen product. The defendant's fingerprints also were recovered from stolen product found in a getaway vehicle left by the coconspirators in Kansas City, Missouri following the January 2024 burglaries of stores in Nebraska and Missouri.

The Government's evidence against the defendant also includes witness testimony, rental vehicle records, location tracking information, and cell photo data and communications. The weight of the evidence against the defendant supports his pretrial detention.

III. Defendant's History and Characteristics

The defendant has been previously charged with numerous felony offenses, resulting in at least two felony convictions. These felony offenses include attempted armed robbery in the first

degree and resisting arrest. The defendant is currently on probation in the state of Missouri for both offenses. The attempted robbery conviction stemmed from the defendant forcibly stealing cellphones from an AT&T store in July 2020. The defendant's probation was revoked on February 23, 2024. The defendant's resisting arrest conviction relates to his flight from Kansas City, Missouri, police officers in July 2019. His probation in that matter was likewise revoked on February 23, 2024. A second probation violation report was filed in both matters on May 21, 2024, and the defendant was ordered to attend anger management classes as a result. Notably, the defendant committed the charges offenses in this matter while on probation for these felony offenses.

The defendant also has trespass and disorderly conduct charges pending in Missouri state court. The defendant failed to appear for his scheduled arraignment hearings in July and September 2024. Furthermore, the defendant was fined in Kansas City, Missouri, Municipal Court in May 2024 following his assault on a detention officer.

The defendant's recent crimes while on probation, along with his history of probation revocations, failures to appear at hearings, and flight from arrest indicates the defendant is unwilling to abide by the law or court-imposed directives and conditions and poses a considerable risk of flight in this case. As such, the defendant's history and characteristics support pretrial detention.

IV. Danger to the Community

The defendant's criminal history as well as his conduct outlined in the indictment show that he is a danger to the community. The defendant and his coconspirators broke into nearly three dozen stores, causing immense financial loss and the expenditure of hundreds—if not thousands—

of hours of law enforcement resources and additional effort by victims to repair damaged storefronts and document lost inventory. The defendant carried firearms during these crimes, raising the risk of serious harm or death to himself, police, and the community.

The defendant's actions in this case, coupled with the defendant's criminal record and the defendant's record of having his probation revoked, all show that if not detained he will victimize additional individuals in our community. As such, the danger the defendant poses to the community supports pretrial detention.

CONCLUSION

When considered together, the nature and circumstances of the offense charged, the weight of the evidence against the defendant, the history and characteristics of the defendant, and the nature and seriousness of the danger the defendant would pose to the community show that no condition or combination of conditions can reasonably assure the appearance of the defendant as required and reasonably assure the safety of any other person or the community. As such, the United States respectfully requests the pretrial detention of the defendant.

Respectfully submitted,

Jeffrey P. Ray
Acting United States Attorney

By /s/John Constance

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 19, 2025, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/John Constance

John Constance

Assistant United States Attorney